FORMAT-A

(Circular No.: -28/2021)

To,

The Maharashtra Real Estate Regulatory Authority,

6th& 7th Floor, Housefin Bhavan,

Plot No.C-2, E-Block,

Bandra Kurla Complex,

Bandra (East), Mumbai–400051.

LEGAL TITLE REPORT

Sub.: Title Clearance Report with respect to all those pieces and parcel of slum plot bearing Final Plot Nos. 138 & 139 of Town Planning Scheme – Santacruz No. V (1st Variation) (Final) admeasuring 1760.03 sq. mtrs or thereabouts (as per T.P Remarks) and 1799.3 sq. mtrs (as per Property Register Card) having corresponding CTS No. 2046 & 2048 in Village Vile Parle (East), Taluka Andheri and City Survey No. 5 of Village Bandra I Ward in the Registration District of Mumbai Suburban together with the Structures standing thereon situate, lying and being at Prabhat Colony, 4th Road, Santacruz (East), Mumbai - 400 055 and bounded as follows: On or towards East: Municipal Primary School; On or towards West: Saiprasad Society; On or towards North: Ramkutir Building; On or towards South: Madhav Bhavan matt **("said First Property")** and (ii) All that piece and parcel of non-slum Plot of land F.P No. 137 Santacruz TPS-V (1st Variation)(Final) admeasuring about 780.10 sq. mtrs.(as per Property Card) bearing Survey No. 330/134 and CTS No. 2049, of Village Vileparle, Taluka Andheri, in the Registration District of Mumbai Suburban together with the building standing thereon known as "Sai Baba" comprising of ground plus two upper floors situate, lying and being at Prabhat Colony Road No. 4, Santacruz

(East), Mumbai 400 055 and bounded as follows: On or towards North: Boundary of Bombay of Prabhat Colony Municipal Primary School CTS No. 2047 Village/Vile Parle (East) and F.P No. 136, Santacruz TPS -V; On or towards South: Boundary of TPS, 4th Road; On or towards East: Boundary of H/E Municipal Ward Office CTS No. 2050 Village/Vile Parle (East) and F.P No. 136-A, Santacruz TPS –V; On or towards West: Boundary of Santacruz Mangalmurti CHS Ltd, CTS No. 2048 Village /Vile Parle (East) and F.P No. 138 , Santacruz TPS -V **("said Second Property")**. The said First Property and the said Second Property shall unless referred to independently be hereinafter collectively referred to as the "**said Properties**".

We have investigated the title of **"M/s AMBIT BUILDERS AND DEVELOPERS",** a Partnership Firm formed under the provisions of Indian Partnership Act,1932 and having its registered Office at 201-203,2nd Floor, Vinay Bhavya Complex, CST Road, BKC (Extn), Santacruz (East), Mumbai - (**as "Developers**") to develop the said Properties, by causing to take searches in the office of the Sub-Registrar of Assurances at Mumbai and Bandra through our Search Clerk Mr. Rajesh Bhandari pursuant to Search Report dated 13th March, 2023 for a period of 30 years i.e., from 1994 to 2023 (the search report is subject to torn pages of Index II, mutilated records, some records are misplaced and also unavailable records for the years as mentioned therein) and by causing to publish Public Notices in two newspapers namely (i) The Free Press Journal (English) and (ii) Navshakti (Marathi) in their respective issues both dated 10th March, 2023 (**"said Public Notices"**) inviting claims/objections on the title of the said Developers to develop the said Properties:-

1) **Description of Property:** All those pieces and parcel of slum plot bearing Final Plot Nos. 138 & 139 of Town Planning Scheme – Santacruz No. V (1st Variation) (Final) admeasuring 1760.03 sq. mtrs or thereabouts (as per T.P Remarks) and 1799.3 sq. mtrs (as per Property Register Card) having corresponding CTS No. 2046 & 2048 in Village Vile Parle (East), Taluka Andheri and City Survey No. 5 of Village Bandra I Ward in

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the Registration District of Mumbai Suburban together with the Structures standing thereon situate, lying and being at Prabhat Colony, 4th Road, Santacruz (East), Mumbai - 400 055 and bounded as follows: On or towards East: Municipal Primary School; On or towards West: Saiprasad Society; On or towards North: Ramkutir Building; On or towards South: Madhav Bhavan matt **("said First Property")** and (ii) All that piece and parcel of non-slum Plot of land F.P No. 137 Santacruz TPS-V (1st Variation)(Final) admeasuring about 780.10 sq. mtrs.(as per Property Card) bearing Survey No. 330/134 and CTS No. 2049, of Village Vileparle, Taluka Andheri, in the Registration District of Mumbai Suburban together with the building standing thereon known as "Sai Baba" comprising of ground plus two upper floors situate, lying and being at Prabhat Colony Road No. 4, Santacruz (East), Mumbai 400 055 and bounded as follows: On or towards North: Boundary of Bombay of Prabhat Colony Municipal Primary School CTS No. 2047 Village/Vile Parle (East) and F.P No. 136, Santacruz TPS -V; On or towards South: Boundary of TPS, 4th Road; On or towards East: Boundary of H/E Municipal Ward Office CTS No. 2050 Village/Vile Parle (East) and F.P No. 136-A, Santacruz TPS –V; On or towards West: Boundary of Santacruz Mangalmurti CHS Ltd, CTS No. 2048 Village /Vile Parle (East) and F.P No. 138 , Santacruz TPS -V **("said Second Property")**. The said First Property and the said Second Property shall unless referred to independently be hereinafter collectively referred to as the "**said Properties**".

2) **The Documents of allotment of Plot/Documents Relied Upon;**

2.1 Deeds and documents related to the said First Property: -

a) Society Registration Certificate dated 3rd February, 1989 bearing No. BOM (W-H-East/HSG (TO)/3997/1988-89;

b) Indenture of Lease dated 29th September,1992 executed by and between Maharashtra Housing and Area Development Authority (as Authority) and Santacruz Mangal Murti Co-operative Housing Society Ltd. (as Society);



c) Development Agreement dated 26th August,2020 executed by and between Santacruz Mangal Murti Co-operative Housing Society Ltd. (as Society) and M/s. Ambit Builders and Developers (as Developers);

d) Power of Attorney dated 26th August, 2020 executed by Santacruz Mangal Murti CHS (Ltd) in favour of M/s. Ambit Builders & Developers;

e) Specimen copy of Individual Agreement duly executed between the Developers, Society and one of the members of the Society;

f) Individual consent executed by Member in favour of Developers;

g) CTS Extract Plan;

h) D.P. Remarks and Plan as per DCPR,2034;

i) T.P. Remarks with respect to F.P. No.138,139 of Town Planning Scheme No. V (1st variation) (Final);

j) Draft Annexure-II;

k) Notification dated 24th March,2022 bearing No. SRA/Eng. Dept./3C(1) Mangalmurti/2022/SRA/ED/OW/2022/10236 issued by Slum Rehabilitation Authority inter alia declaring the said First Property as "Slum Rehabilitation Area";

l) Letter of Intent dated 26th August, 2022 bearing No. HE/MHADA/STGOVT/0002/20201110 and HE/PVT/0128/20220323 for amalgamation implementation of Slum Scheme on the said first property and second property.

m) Property Register Card with respect to the said First Property;

n) Application dated 27th August, 2020 for submitting the proposal before Slum Rehabilitation Authority and Scrutiny Receipt.

2.2 **Deeds and documents related to the said Second Property**: -

a) Society Registration Certificate;

b) Property Register Cards with respect to said Second Property;

c) CTS Extract;

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d) D.P. Remarks and D.P. Plan;

e) T.P. Remarks issued by Town Planning Department with respect to the F.P No. 137 of T.P.S Scheme No. V (1st Variation) (Final);

f) IOA bearing No. HE/MHADA & STGOVT/0002/20201110/AP/COM dated 7th September,2022 for construction of Composite Building on the said Properties.

g) Application dated 25th January, 2022 for submitting the proposal before Slum Rehabilitation Scheme for implementation of Scheme under Section 33(11) of DCPR, 2034 and Scrutiny Receipt;

h) Application dated 9th February, 2022 filed before Collector, Mumbai Suburban for conversion of the said Second Plot from leasehold to freehold;

i) Power of Attorney dated 12th May, 2022 executed by Sai Baba Co-operative Housing Society in favour of M/s. Ambit Builders & Developers;

j) Agreement for Re-Development dated 14th June,2022 executed by and between M/s. Ambit Builders and Developers (as Developers) and Sai Baba Co-operative Housing Society Ltd. (as Society) and duly registered with the office of the Sub Registrar of Assurances at Bandra under serial No. BDR-15 of 2022;

k) Supplemental Development Agreement dated 24th November, 2022 executed by and between M/s. Ambit Builders and Developers (as Developers) and Sai Baba Co-operative Housing Society Ltd. (as Society) and duly registered with the office of the Sub Registrar of Assurances at Bandra under serial No. BDR-12108 of 2022.

l) Search Report dated 13th March, 2023 issued by Mr. Rajesh Bhandari, Search Clerk;

m) Order dated 8th June,2023 bearing No. C/Karya-3A/A-806/2023 passed by Collector, Mumbai Suburban for conversion of Leasehold land to freehold land;



n) Commencement Certificate bearing HE/MHADA/STGOVT/0002/20201110/AP/COM issued by the Slum Rehabilitation Authority dated 6th July, 2023 in favour of M/s. Ambit Builders & Developers;

3) Public Notice dated 10th March, 2023 (i) The Free Press Journal (English) and (ii) Navshakti (Marathi) in their respective issues both dated 10th March, 2023;On perusal of the above referred documents and all other relevant documents provided by the said Developers we are of the opinion that the Title of **M/s AMBIT BUILDERS AND DEVELOPERS** (hereinafter referred as the **"said Developers"**) to develop the said Properties by constructing thereon the composite building as per the duly approved/sanctioned plan by SRA from time to time is clear, marketable and without any encumbrances.

4) **Owner of the Plots:**

"SANTACRUZ MANGALMURTI CO-OPERATIVE HOUSING SOCIETY LTD" is the Lessee of the First Property and **"SAI BABA CO-OPERATIVE HOUSING SOCIETY"** is the owner of the Second Property.

5) The report reflecting the flow of the title of the said Developers i.e. **M/s AMBIT BUILDERS AND DEVELOPERS,** on the said Properties is enclosed herewith as annexure.

Yours Faithfully

For M/s Law Origin

Encl: a/a Annexure A

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Namita Natekar

Partner

ANNEXURE-A

FLOW OF TITLE OF THE SAID PROPERTY

1) We have perused the copies of the deeds and documents pertaining to the said Properties. The said First Property shows that the said Plot bears Final Plot No.138 and 139 of TPS Santacruz V (1st Variation) (Final) Original Plot No. 135 and 136) plot bearing, F.P. No.138 admeasures 779.26 sq. mtrs and F.P. No.139 admeasuring 980.77 sq. mtrs. and to the said Second Plot shows that the said Second Property bears Final Plot No.137 of TPS Santacruz V (1st variation) (Final) (Original Plot No. 134) admeasuring 780.10 sq.mtrs.

2) **OBSERVATION ON SEARCH REPORT: -**

2.1 Search taken with respect to the said First Property: -

(i) The searches taken in the offices of Sub-Registrar of Assurances at Mumbai, Bandra through Search Clerk, Mr. Rajesh Bhandari in respect of the said First Property for the period of 30 years i.e., 1994 to 2023, who submitted his Search Report dated 13th March, 2023;

(ii) The Search Report dated 13th March, 2023 is subject to torn pages of Index II and computer Index II are not maintained properly.

(iii) While perusing the Search Report we have observed that there is a registered Notice of Lispendens filed by Benito Anthony D'souza against Mumbai Municipal Corporation of Greater Mumbai.

2.2 Search taken with respect to the said Second Property: -

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(i) The searches taken in the offices of Sub-Registrar of Assurances at Mumbai, Bandra through Search Clerk, Mr. Rajesh Bhandari in respect of the said Second Property for the period of 30 years i.e., 1994 to 2023, who submitted his Search Report dated 13th March, 2023;

(ii) The Search Report dated 13th March, 2023 is subject to torn pages of Index II and computer Index II are not maintained properly.

3) Flow of the Title:

Upon perusal copies of the deeds and documents pertaining to the said Properties provided to us by the **M/s AMBIT BUILDERS AND DEVELOPERS** and the Search Report submitted by the search clerk Mr. Rajesh Bhandari (which is subject to records not being maintained properly, as mentioned in the search note, and mentioned therein), we have state as follows:

a) The Developers became entitled to develop the said First Property in the following manner: -

i. Maharashtra Housing Area and Development Authority (MHADA) was seized and possessed of and otherwise well and sufficiently entitled to All that piece and parcel of slum plot of land or ground bearing Final Plot Nos. 138 & 139 of Town Planning Scheme – Santacruz No. V (1st Variation) (Final) admeasuring 1760.03 sq. mtrs. or thereabouts (as per T.P Remarks) and 1799.3 sq. mtrs. (as per Property Register Card) having corresponding CTS No. 2046 & 2048 in Village Vile Parle (East), Taluka Andheri and City Survey No. 5 of Village Bandra I Ward in the Registration District of Mumbai Suburban situate, lying and being at Prabhat Colony, 4th Road, Santacruz (East), Mumbai -400 055 (**said First Plot**).

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ii. On the said First Plot there were various structures/huts (**the said Structures**) occupied by 69 slum dwellers. The hutment/slum dwellers had formed themselves into one Co-operative Society namely "Santacruz Mangalmurti Co-operative Housing Society Ltd" (**"said Mangalmurti Society"**), as required under Regulation 33(10) of DCPR, 2034 and the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, for the purpose of Redevelopment of the said Plot. The said Society was also registered with the Registrar of Co-operative Societies, SRA on 3rd February,1989 under Registration No. BOM/W/H(East) HSG/3997/88-89 under the provisions of Maharashtra Co-operative Societies Act, 1960. The said First Plot and the said Structures shall unless referred to independently be hereinafter collectively be referred to as the "**said First Property**".

iii. The said First Plot is a notified slum as contemplated under the Maharashtra Slum Areas (Improvement Clearance and redevelopment Act,1971 and Regulation 33 (10) of DCPR,2034 amended upto date.

iv. By Indenture of Lease dated 29th September,1992 executed by and between Maharashtra Housing and Area Development Authority (as Authority) and Santacruz Mangal Murti Co-operative Housing Society Ltd. (as Society), the Authority has granted lease in respect of the said First Plot for a period of 30 years with effect from 29th September, 1992 for the lease rent and on the terms and conditions set-out therein. It is observed that the said lease is not renewed further till date.

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v. By Development Agreement dated 26th August,2020 executed by and between Santacruz Mangal Murti Co-operative Housing Society Ltd. (as Society) and M/s. Ambit Builders and Developers (as Developers), the said Society granted development rights in respect of the said First Property unto and in favour of the Developers therein for the consideration and on the terms and conditions set out therein.

vi. Pursuant to the execution of the Development Agreement, the said Mangalmurti Society made an application to the Chief Executive Officer (CEO) *interalia* for declaration of the said First Plot admeasuring 1760.03 sq. mtrs. as slum area under section 3 (C) of the Slum Act and for Acquisition of the said First Plot under Section 14 of the Slum Act.

vii. Thereafter, the SRA published a Notification under the Slum Act for declaring the said First Plot as Slum Rehabilitation Area under Section 3C of the Slum Act on 24th March,2022 (**said Notification**).

viii. Thereafter, the Developers made Application to CEO (SRA) on 27th August, 2020 and submitted the proposal for implementation of Slum Rehabilitation Scheme on the said First Property and the CEO (SRA) accepted the proposal for implementation of the Scheme on the said First Plot.

ix. Thus, the slum on the said First Plot as contemplated under the Slum Act was capable of being developed as SRA Scheme under Regulation No. 33(10) read with Appendix IV of Development Control Regulations for Greater Bombay, 1991, amended up to date.

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x. Thus, the Developers became entitled to develop the said First Property under Regulation 33 (10) of DCPR, 2034 in the manner they deem fit & proper.

b) The Developers became entitled to develop the said Second Property in the following manner: -

i. The State of Maharashtra is seized and possessed of and otherwise well and sufficiently entitled to All that piece and parcel of Plot of land bearing F.P No. 137 Santacruz TPS-V (1st Variation)(Final) admeasuring about 780.10 sq. mtrs.(as per Property Card) bearing Survey No. 330/134 and CTS No. 2049, of Village Vileparle, Taluka Andheri in the Registration District of Mumbai Suburban situate, lying and being at Prabhat Colony Road No. 4, Santacruz (East), Mumbai- 400 055 **("the said Second Plot")**.

ii. In or about 1963, the Additional Collector allotted the said Second Plot unto and in favour of "Sai Baba Co-operative Housing Society (Proposed)" for residential purpose vide Land Grant Order No. C/LND.SRII 776 dated 25th March,1967 based on a Government Resolution GR-RD No.2663/67678-B dated 31st October,1963.

iii. The Members of the proposed Society got the proposed Society registered under the provisions of Maharashtra Co-operative Societies Act,1960 in the name and style of "Sai Baba Co-operative Housing Society Ltd.." under registration No. BOM/HSG/581 of 1964.

iv. After registration of the Society the Collector handed over possession of the said Second Plot to the said Saibaba Society on 15th June,1965. Pursuant thereto the said Society through its



Architect applied to the Competent Authority for approvals of the plans and thereafter commenced and completed construction of the Building comprising of ground and 2 upper floors consisting of 18 Units **("said Building")** on the said Second Plot as per the duly approved plans and specifications. The said Second Plot and the said Building shall unless referred to independently be hereinafter collectively referred to as (**"the said Second Property"**)

v. As the said Building was constructed for more than 40 years and was in a dilapidated condition the Society and its Members thought it appropriate to go for redevelopment and accordingly called for offers from various Developers and appointed the Developers herein as Developers for redevelopment of the said Second Property on the terms and conditions mutually agreed between them.

vi. By Agreement for Re-Development dated 14th June,2022 executed by and between M/s. Ambit Builders and Developers (as Developers) and Sai Baba Co-operative Housing Society Ltd. (as Society) and duly registered with the office of the Sub Registrar of Assurances at Bandra under serial No. BDR-15 ,of 2022, the Society therein granted development rights in respect of the said Second Property unto and in favour of the Developers therein for the consideration and on the terms and conditions set-out therein.

vii. By Power of Attorney dated 12th May, 2022 executed by Sai Baba Co-operative Housing Society in favour of M/s. Ambit Builders & Developers conferring various powers upon them to do acts, deeds, matters and things related to the said Second Property;

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viii. By Supplemental Development Agreement dated 24th November, 2022 executed by and between M/s. Ambit Builders and Developers (as Developers) and Sai Baba Co-operative Housing Society Ltd. (as Society) and duly registered with the office of the Sub Registrar of Assurances at Bandra under serial No. BDR-12108 of 2022, the parties therein have amended the terms of the said Development Agreement as more particularly

Thus, the Developers herein became entitled to develop the said Second Property as Developers thereof.

4) <u>Litigation:</u>

The Developers have represented that there are following pending litigations with respect to the said Properties: -

a) S.C Suit bearing No. 665 of 2021 filed by Benito Anthony D'souza against Santacruz Mangalmurti C-operative Housing Society Ltd & Anr before the Hon'ble Bombay City Civil Court at Dindoshi with respect to First property;

b) Suit bearing (L) No. 2884 of 2023 by Benito Anthony D'souza against Santacruz Mangalmurti C-operative Housing Society Ltd & Ors before the Hon'ble High Court with respect to First Property;

c) Writ Petition (L) No. 33635 of 2022 filed by Mamkoottathil Gangadharan Mohanan against State of Maharashtra & Ors before the Hon'ble High Court with respect to Second Property.

On perusal of proceedings related to the pending litigation it is observed that there are no orders/injunction/status quo restraining the Developers from undertaking the redevelopment of the said Properties and/or challenging the

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development rights of the Developers in respect of the said Properties till date. Further, the said pending litigations are not related to title of the Developers to develop the said Properties.

5) The Developer have further informed us that they have not encumbered/mortgaged /created charge on any of Flat/Units in the said Properties with any financial institution/bank and or in any manner whatsoever.

6) This Report on Title has been prepared on the basis of the said documents, papers and revenue records and the information/representations that have been furnished/provided to us and presuming that the contents of the said documents, papers and revenue records and the information/representations are true and correct. We take no responsibility for not having envisaged in this Report on Title the contents of documents, writings or revenue records that may be related to the said Property but which have not been provided to us for our perusal. The statements and observations in the Report on title are done based on the documents provided to us as listed aforesaid.

7) This Report on Title is issued based on the title documents perused by us and the same is based on the assumption:

   a) of the legal capacity of all natural persons, genuineness of all signatures;

   b) authenticity of copies of the documents submitted to us;

   c) of the accuracy and completeness of all the factual representations made in the documents.

   d) that there have been no amendments or changes to the documents examined by us;

8) In the circumstances and subject to what is stated hereinabove and based on the Documents perused by us as stated in clause 2 hereinabove, We are of the

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opinion that **M/s. AMBIT BUILDERS & DEVELOPERS** have clear and marketable title to develop the said Properties and to sell the flats/units in the proposed Sale Building to be constructed on the said Properties to prospective purchasers in the manner they deem fit and proper.

Dated this 07th July, 2023

Yours Faithfully,

M/s. Law Origin

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Namita Natekar

Partner

FORMAT –A

(Circular No.28/2021)

FLOW OF THE TITLE OF THE SAID PROPERTIES

1. All the documents referred herein above shall also form a part of this document and shall be read in verbatim as if the same is reproduced herein.
2. Property Register Card with respect to the said Properties mentioned herein below.
3. Search report dated 13th March, 2023 for a period of 30 years i.e. from 1994 to 2023 for the properties issued by Search Clerk Mr. Rajesh Bhandari in respect of the said Properties.
4. Any other relevant title: Not Applicable
5. Litigations if any: Not Applicable.

Dated this 7th July, 2023.

Yours Faithfully

For M/s. Law Origin

LAW ORIGIN * MUMBAI * ADVOCATES & SOLICITORS

Namita Natekar

Partner